

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL NIEVES,

Plaintiff,

-against-

MARTHA JOHNSON,

Defendant.

1:22-CV-1863 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently held in the Bellevue Hospital Prison Ward, brings this action *pro se*. Plaintiff has previously filed with this court an identical complaint against the same defendant. That action is pending under docket number 1:22-CV-1858 (UA). Because the present complaint raises the same claims, no useful purpose would be served by litigating this duplicative action. The Court therefore dismisses this action without prejudice to Plaintiff's pending action under docket number 1:22-CV-1858 (UA).

CONCLUSION

The Court dismisses this action without prejudice as duplicative of Plaintiff's pending action under docket number 1:22-CV-1858 (UA). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: March 30, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge